

REMARKS

A reconsideration of the Final Rejection of May 14, 2004 is respectfully requested.

By this Amendment, the claims remaining in the application are Claims 12, 15 and 18.

Claims 15 and 18 have been rejected under Section 102(b) as anticipated by Pouyani (USP -568) and under Section 102(e) as anticipated by Prestwich (USP -417) for reasons of record.

Claims 12, 15 and 18 have been rejected under Section 103(a) as unpatentable over Prestwich (USP-417) in view of Gain (USP-753) for reasons of record.

In addition to the arguments previously presented, a reconsideration of these rejections is requested for the following additional reason. To the extent that Applicant can understand the rejection made throughout the prosecution of this application, it seems to be based on the Examiner's contention that the NH₂-A-NH₂ group of the claims could be read to include a hydrazido group. In response, Applicant amended the claim language to limit the cross-linkage as occurring only through amide bonds between carboxy groups of the hyaluronic acid and the amino groups of a diamine of the formula the NH₂-A-NH₂. This is similar to language accepted in corresponding Appl. Ser. No. 09/830,744, now USP 6,734,298.

Notwithstanding that the Examiner has accepted this language in the claims of this application (see p.3, ln.2 of the instant Final Rejection), the Examiner, nevertheless, now contends that

the claims are anticipated by the same references because their hyaluronic acid - dihydrazide reactions can be read into Claim 18 when "A", of the formula of Claim 18, is a C₂-C₆ which may be substituted with carboxy and other amino groups.

By this Amendment, component "A" of the formula NH₂-A-NH₂ of Claim 18 has been amended by defining it as "---a linear unsubstituted C₂-C₆ chain---". In addition, Claim 19 has been cancelled. This should remove any question as to whether or not the NH₂-A-NH₂ group of the claims can be read to include a hydrazide group, as disclosed by the references, since the latter can only be present when a nitrogen-nitrogen group is present, that is to say, an NH-NH group.

On reconsideration by the Examiner it is believed that he will recognize the clear distinction and withdraw the rejection. Such action is respectfully requested.

An early action leading to the issuance of a Notice of Allowance is respectfully solicited. In the absence of such, entry of the Amendment for purposes of appeal is requested.

Respectfully submitted



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